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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Art Unit: 1636

Roelvink et al.

Application No. 09/780,224

Examiner: Guzo, D.

Filed: February 9, 2000

For:

ADENOVIRAL CAPSID CONTAINING

CHIMERIC PROTEIN IX

## DECLARATION UNDER 37 C.F.R. § 1.131 OF PETRUS W. ROELVINK, Ph.D.

I, Petrus W. Roelvink, do hereby declare:

- 1. I am an inventor of the subject matter disclosed and claimed in the instant application.
- 2. I, along with the other named co-inventors of the instant application, conceived of and reduced to practice the present invention before July 22, 1999, the publication date of WO 99/36545 (Romanczuk et al.).
- 3. As merely an example of both the conception and reduction to practice of the present invention, attached to this Declaration is a true and accurate copy of an entry before July 22, 1999, into a DNA construct database at GenVec, Inc., assignee of the instant application. The assembly of the DNA construct was made under my supervision. I performed the actual entry of the information into the computer database at GenVec, Inc. The actual date of the entry has been reducted.
- 4. The DNA construct described in the attached database entry, designated pAdCLX-(R)-NHA-IX, encodes an adenoviral pIX protein comprising a non-native amino acid sequence extension at the N-terminus of the pIX protein. Accordingly, the database entry evidences the conception and reduction to practice of a nucleic acid encoding a chimeric adenoviral pIX protein, as recited in, for example, claim 18. Expression of the DNA construct yields a chimeric adenoviral pIX protein, as recited in, for example, claim 1. Incorporation of the nucleic acid sequence into an

Consideration 1 6/18/02

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adenoviral genome and expression thereof yields an adenoviral capsid as recited in, for example, claim 19.

5. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 3/29/02

Petrus W. Roelvink, Ph.D.

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	MTA	A [ ]		BOX 25	
	RESTRICTIONS	s <u>                                     </u>	— POS	ITION 62	
	RECEIVED FROM	4			
	GENES CLONED	none			
		XPRESSED none			
	PROMOTERS		ENHANCERS		
	ORI		SPLICE		
	TERMINATORS			DH5a	
	VECTOR/SITE	pAdCLx(R)-dP-dX	BACTERIA	DH29	
	RESISTANCE/M	ARKER Amp			
	KESISTARCE				
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	generated with the	Quikchange Kit	nus of the prote	PROJECT CODE	
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	notebook/ 115	PAGE 92	nus of the protein	PROJECT CODE  DATE  ENZYME	1040-01 S/FRAGMENT
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	notebook/ 115	PAGE 92	AC)  CAT bus (Miles)  Sapita source purebus: 18-  Sapita s	PROJECT CODE  DATE  ENZYME: Digest with Xbal will yis tragments X 5620, 1714	1040-01  S/FRAGMENT BamHI and lid three with sizes of
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